



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Initial Meeting of Task Force
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Meeting Call to Order: Convener Gene Brantly called the meeting to order at 1:05 PM. Present were Task Force members Cal Baldwin, James Barrett, Lizzie Gliddon-Boyle, Harry Gordon, Suzanne Grefsheim, Kay Hager, Todd Harris, Ken Ingham, Barbara Jackson, Pat Keating, John King, Cindy Kratz, Peter Kratz, Pam Morgan, Kevin Pope, Bob Reinhardt, Laura Retherford, Phil Schulp, Natalie Shelton; Member *Ex Officio* Chris Keller; and Town Administrator Ted Pratt. Gene then went around the room and asked individuals to introduce themselves.

Approval of Agenda: Gene Brantly explained that he wanted to divide the meeting up into two sections with a break in between. The first section would have the Task Force divide up into 4 groups and answer 4 questions, rearranging the makeup of each group midway through the session. There was brief discussion about Gene's proposal.

Action/Discussion: The Task Force divided into 4 roughly equal groups and began consideration of the 4 questions posed by Gene Brantly. Each group was asked to write its responses on large poster sheets of paper that were put up on the walls of the room after the reports were made.

NOTE: [Possibly clarifying editorial additions by Ted & Gene]

1) I am here because.....

- First Group

- All aspects of [the] problem are understood
- Maintain [the Town's] self-governance
- Use experience to help GP (Garrett Park) preserve open space & eclectic variety [of homes]
- Rational balance between lot sizes & developable space [on lot]

- Second Group

- Clarification of [Town] regulations - Define terms and priorities
- [Residents'] Duty to participate in Town [initiatives]

- Concern for preservation of open space [in Town]
 - Preserve the character of Garrett Park
 - Manage change wisely
 - [Maintain] Open spaces; [Sustain] Architectural diversity; [Enhance] “Green” permeability
 - Third Group
 - Help Town reach consensus as much as possible
 - Derive clear rules & regulations within the [existing] legal framework (State & County Law)
 - Preserve existing housing stock
 - Meet needs of owners of various lot sizes
 - Represent all viewpoints [among residents]
 - Allow for reasonable modification of existing houses
 - Review existing [Town] ordinances
 - Maintain property values [within the Town]
 - Fourth Group
 - To get involved/Get to know the community better
 - Understand the process
 - [Was] Involved in 1992 – cutting edge [at the time]
 - Can see both sides of issue; more senior (now) member of community;
 - Residential architect – know the area
 - [Promote] Green building
 - [Establish] Clearer guidelines
 - It’s why I moved here
 - Balanced and biased (diverse) views
 - [To balance] Weight of individual versus community
- 2) I will consider the Task Force a success if....
- First Group
 - Any ordinary person can understand and apply the rules and regulations
 - More transparency of the process
 - Involving more people in Town politics
 - We do not hate each other at the end of the task force meetings
 - There is a consensus among the townspeople
 - Policies preserve existing housing stock while allowing reasonable modifications
 - We are in accord with County and State law
 - Second Group
 - Clarification of Town [and] County authority lines
 - Consensus on guidelines & definitions

- Written application process, with timelines, written response and appeal process for denials.
 - GP has a clear understanding of how GP ordinances are able to achieve the goals of the Town.
 - Third Group
 - Reach consensus on clear guidelines to preserve the character of Garrett Park
 - Collect & assemble existing land use patterns [for comparable communities]
 - [Clarification of the relationship between] County regulations and Town regulations
 - Fourth Group
 - Clear, workable ordinance administered by GP
 - Implementable mechanism
 - Enforcement(s),
 - Appeal [process]
 - Variance criteria
 - May need other new regulations
 - Specific recommendations that preserve and respect individual property owners [rights/ interests]
 - Articulate diverse views
 - Clear definition of GP government's [role] in regulating development
 - Conflict behind us – view action to the future
 - Desirable --- Consensus
- 3) The most important issues are....
- First Group
 - Clarity & transparency of future ordinance
 - Clear understanding of starting point (study the packet)
 - Definition of SCOPE
 - Second Group
 - A comprehensive look at both [the Town's] charter & ordinances [and the] Montgomery County Overlay Zone.
 - Third Group
 - Clarity of ordinances, process and outcome, appeals
 - Consideration of lot shapes & sizes in development
 - Preservation with accommodation of change
 - Balance preservation and development in GP
 - Fourth Group
 - Are the land use regulations clear?
 - Do the regulations strike the right balance between lot size and lot coverage given the diversity of lot sizes [in GP]

- Who administers and how do we administer the land use regulations?
- What's [included] in the lot coverage calculation?

4) The Task Force needs to do.....

- First Group
 - Review existing land use
 - Conduct another census; compare it with '92 census
 - Identify open space (%)
 - Identify % of lot space [that] is impervious (if time permits)
 - Review Montgomery County Overlay Zone for GP
 - Educate ourselves & others in Town
 - Web site or wiki, blog(?)
 - Develop representative examples of specific types of lots. (How zoning ordinance would affect these lots.)
- Second Group
 - Inventory of properties
 - Other communities' ordinances
 - How has '92 ordinance been applied v. other communities
 - Examine appeals process/variance
 - Research green/sustainable building requirement
 - Review state/county ordinances
- Third Group
 - Training session on existing ordinance & the basis of land use regulation
 - Field trips to learn from other communities:
 - Annapolis
 - Washington Grove
 - Capitol View
 - Others?
 - What applies & what doesn't apply to GP in #1 & #2
 - Choose what we keep & what we modify.
- Fourth Group
 - See how Berliner "Infill Task Force" lot coverage law could apply to GP
 - Spreadsheet that shows other similar townships' zoning ordinances compared to GP
 - How have other communities successfully balanced preservation and development
 - Identify specific provisions in [existing] ordinance that should be changed or clarified
 - Study of "Nonconformance" [Prior non-conforming structures]
 - [Develop] Tool to determine "Buildable Area" [on Town] Web site?

At 3:00 PM the meeting suspended for a refreshment break and came to order for the second part of the meeting at 3:30 PM. Gene noted that all groups had reported "consensus" was a criterion for success in their responses to question #2 in the first part of the meeting, and that his personal goal for the Task Force is to reach a unanimous decision on recommendations the Task Force forwards to the Town Council at the conclusion of its work.

Gene Brantly stated he wanted to cover four procedural issues to guide the Task Force's future work; meeting dates, attendance at meetings, reporting of progress to the Town, and the organization of subcommittees.

Meeting Dates

Gene Brantly indicated he had already polled most of the members and had found that Thursdays were the only day generally free of conflicts for most members. After a brief discussion, members agreed to hold future meetings of the full Task Force on the 3rd or 4th Thursday of each month.

Attendance

Gene Brantly stated he thought the process would take 8 – 10 months so that members should commit to attending up to 10 meetings, and that if a member missed two consecutive meetings without notice he would assume the member had withdrawn from the Task Force. Gene also stated that he felt if any member missed 3 meetings, even with good reason, that they would lose the right to vote on any recommendations the Task Force might make at the end of the process, noting that the process was one of collective effort and learning and to miss that many meetings would mean the member was not fully informed. There was discussion as to whether or not 3 meetings was reasonable and that active participation in subcommittees could make up for general meetings missed. It was the sense of the Task Force that if there were more than 10 general meetings, and/or if the member had good reasons for absences and otherwise had a significant level of involvement, the exclusion from voting could be reconsidered.

After further discussion it was agreed to set the next meeting for Thursday, March 26th, at 8:00 PM and to reserve the Town Hall for the 4th Thursday of each month for the next 12 months, or on the 3rd Thursday if necessary in certain months. Town Administrator Pratt responded that the Town Office would make the reservations and let Gene Brantly know if there were any un-resolvable conflicts.

Reporting

It was agreed that Ted Pratt would prepare minutes of the general meetings and submit the draft to members for review and approval. It was agreed that

the minutes would be posted on the Town's website. There was discussion about reporting to the Town through articles in the Bugle, and agreement that any articles that came from the Task Force would be "non-advocacy" in nature. Gene pointed out that as a body that had been charged by the Town Council, the Task force and its subcommittees fell under Maryland open meeting law and therefore, all meetings need to be posted and kept open to the public for observation. Ted Pratt noted the Town Office could be made available for subcommittee meetings, but that it was perfectly permissible to hold meetings in private homes if they were posted and the public could observe. It was agreed that the subcommittees needed to keep a record of their actions and provide reports and information for the use of the full Task Force.

There was extended discussion on how to solicit and receive information from Town residents and how members should interact with the community. It was agreed that it is important to clearly separate individual members' commentary from "official" reporting from the Task Force. It was the sense of the Task Force that individual members could solicit input from residents and other sources and report back to the Task Force for general discussion. The possibility of setting up blogs and other web-based communications was also discussed, and as long as there was clear differentiation between individual members' comments and the reporting out from the Task Force as a group it was the sense of the Task Force that more avenues of communication would be better than fewer. Gene Brantly suggested that a subcommittee be set up to review communication issues and to make recommendations to the Task Force. Gene also noted that the Task Force and subcommittee meetings were open to the press - Jen Beasley from the *Gazette* introduced herself at this time - and that members were certainly free to speak with reporters, but should be careful to indicate they were speaking as individuals, and not for the Task Force, unless they had been authorized by the Task Force to be a spokesperson.

Organization

There was extended discussion on the formation of subcommittees. Four subcommittees were discussed; 1) Technical Details of Land Use Regulation (Substance of Rules), 2) Process of Implementation of Land Use Regulation, 3) Research & Tools for Developing Land Use Regulation, and 4) Communications with the Community on Task Force Activity.

Technical Issues

- Standards
- Definitions
- Methods

Process Issues

- Procedures
- Appeals
- Implementation
- On-going review
- Town & County regulation

Research

- Inventory of existing conditions
- Historical analysis
- Comparative analysis with other municipalities

Communications

- Reports to Town
- Gathering input and disseminating information
- Relations with the Press
- Use of the web
- Garrett Park Citizens Association

There was discussion about the development of a scope of work for the subcommittees. Gene Brantly committed to preparing a draft scope of work for each subcommittee, to be discussed at the next Task Force meeting.

There was also discussion about larger issues of strategy and vision for the Task Force and it was the sense of the Task Force that at least one meeting should be devoted to this. Also, there was discussion of the need to provide an on-going educational and informational process on land use issues and regulation to allow residents to stay informed and knowledgeable.

Gene Brantly asked if there were any issues that members felt that had not been discussed:

- the possibility of the Town's acquisition of land by purchase or gift was mentioned.
- It was suggested that the Task Force seek the opinion of the Office of the County Attorney on whether GP has remaining residual building requirement authority over matters addressed in the Montgomery County GP Overlay zone, which enactment is specific to Garrett Park.

The meeting adjourned at 4:40 Pm

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr., Clerk-Treasurer

ATTACHMENTS

Email From: Cindy Kratz

Subject: RE: Draft Minutes of the 03/15 Meeting

Date: March 30, 2009 6:14:29 PM EDT

Good Morning, Ted:

Please revise the draft minutes of the 3/15 meeting to reflect our discussion about seeking the opinion of the Office of the County Attorney on whether GP has remaining residual building requirement authority over matters addressed in the Montgomery County GP Overlay zone, which enactment is specific to Garrett Park.

Thank you,
Cindy Kratz

TO ALL COMMITTEE MEMBERS:

We did not discuss the following but is important to note that:

The State law for municipal corporations in Montgomery County (MD Code section 8-115.1) provides, in part, that a municipal corporation may "impose an additional or stricter building requirement than is otherwise required by any State, regional, or county unit that exercises zoning or planning authority over the municipal corporation, provided that such authority shall be exercised in addition to, *but not in lieu of*, the State, regional or county zoning or planning authority."

The Montgomery County Garrett Park Overlay Zone is specific to GP township and expressly indicates that it is an "...in lieu of..." zoning regulation (Montgomery County Code Section 59C-18.112(a)(1)). Some of the expressed purposes of the overlay zone are to: "Maintain housing diversity and choice by retaining existing housing stock yet allowing a reasonable amount of expansion in living space" and "Create a uniform set of development standards..." (See 59C-18.111((c) and (d)). Garrett Park may well be the only municipal corporation that has a County overlay zone specific to it.

The GP overlay reflects an informed public policy judgment of the County sitting as the State Regional District, directed *solely* to the town of GP. It may be that GP municipality is foreclosed from further restricting the matters specifically addressed in the GP Overlay zone, particularly if the Town's ordinance would frustrate the expressed purposes of the County's overlay enactment.

I recommend that we immediately request the County Attorney's Office to provide a legal opinion to us regarding GP's authority to enact stricter building requirements given the County has already provided a local enactment for the town of Garrett Park. The answer will save us time in our consideration of recommending any changes to the county overlay and/or town's zoning ordinance.

Cindy Kratz